GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

W.R (LA) Department - Nandyal District – Acquisition of lands an extent of Acs.31.37 cents in Sy.No.51/5A and etc of Banaganapalli village & Mandal, Nandyal District through Award No.18/1992-1993, dated:20.03.1993 for the work for approach and tail channel of Muchatala Vaagu Acqueduct -Enhanced MV from Rs.3,00,000/- to Rs.4,83,000/-per acre (Category-I), from Rs.1,00,000/- to Rs.3,00,000/- per acre (Category-II) and from Rs.35,000/- to Rs.1,75,000/- (Category-III) by the Senior Civil Judge, Atmakur in LAOP.No.441/1997 and batch (19) - Compensation revised by the Hon'ble High Court in it's judgment dated:08.06.2007 in LA Appeal Suits Nos.1377/2002 & 18 batch cases (Pr. Sr. Civil Judge Court, Atmakur) and AS No.754/2003 (Pr. Sr. Civil Judge Court, Nandyal) fixing the MVs for each acre @Rs.4,20,000/- (Category-I), Rs.3,00,000/- (Category-II) and Rs.2,50,000/- (Category-III)- SLPs filed by the LAO/SDC, SRBC through Civil Appeal No(s).110-129/2010 dismissed 08.06.2007 by the Hon'ble Apex Court- Proposal for sanction of Rs.2,21,53,941/- towards final decretal charge - Sanction accorded – Orders – Issued.

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WATER RESOURCES (LA) DEPARTMENT

G.O.Rt.No.1854 Dated:30.08.2022

Read the following:

1. From the Chief Commissioner of Land Administration &Special CS,AP, Mangalagiri, Lr.No.LA-II/193/2021, Dated:18.11.2021.
2. From the Chief Commissioner of Land Administration &Special CS,AP, Mangalagiri, Lr.No.LA-II/193/2021, Dated:06.01.2022.

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ORDER:

In the letter 1st read above, while forwarding the decretal charges proposals as submitted by the Special Collector (LA), Srisailam Project, Kurnool in connection with the land acquisition taken up in Banaganapalli village & Mandal, erstwhile Kurnool District through Award No.18/1992-1993, dated:20.03.1993 for the work for approach and tail channel of Muchatala Vaagu Acqueduct, the Chief Commissioner of Land Administration & Special CS, AP has made the following observations:-

i. there is a delay of 4 years in approaching the lower court by the claimants from the year of award passed.
ii. After disposal of the OP Nos.441/97 and batch (19) cases on 28.02.2002, the matter has carried to Hon'ble High Court by the LAO, based on the opinion given by the AGP, Atmakur in AS Nos.1377/2002& (19) batch. The Hon'ble High court has delivered common judgment in all these appeal suits on 28.06.2007 modifying the market value mentioned below:-

Land category	MV fixed by the LAO through Award No.18/92-93 dated:20.03.1993 (Rs.)	M.V fixed by the Lower Court in OP Nos. 441/97&(19) batch in judgment,dated:28.02.2002 (Rs.)	M.V fixed by the Hon'ble High Court in A.S.Nos 1377/ 2002&(19) batch, dated:28.06.2007 (Rs.)
I	300000	483000	420000
II	100000	300000	300000
III	35000	175000	250000

iii. the then SDC/LAO has not filed Review Petition before the Hon'ble High court against the Hon'ble High Court common judgment dated 28.06.2007 delivered in AS Nos.1377/2002 &(19) batch, in terms of the Hon'ble Supreme Court of India dated:11.03.2015 in CA No(s).110-129/2010.

iv. But the Special Collector, SSP, Kurnool has submitted decretal charges proposals after a lapse of (6) years (i.e., 30.07.2021) from the Apex Court judgment (11.03.2015).

The CCLA has therefore, opined that, a decision may be taken in the matter in consultation with Law and Finance Departments respectively for payment of enhanced decretal charges and interest on delay period of (10) years, as the orders of the Apex Court were not implemented by the Spl. Collector / Spl. Deputy Collector (LA) by filing a Review before the Hon'ble High Court where as submitted proposals for release of budget.

2. In continuation to the ref. 1st read above, the Chief Commissioner of Land Administration & Special CS, AP vide letter 2nd read above has informed that, Government vide Memo.No.Rev01.LANA0MISC/392/2021-Land-VII, Dated:15.12.2021 has requested the O/o CCLA to identify the persons in the office of the Special Collector, Srisailam Project, Kurnool as well as in the O/o SDC(LA), SRBC, Nandyal including Special Collector / Special Deputy Collectors worked at that time who failed to file Review before the Hon'ble High Court and thereby it affects the exchequer adversely and to examine the possibility of filing Review Petition with condonation of delay in the Hon'ble High Court in consultation with the Government Pleader for Land Acquisition.

3. Government have examined the issue with reference to the judgments involved in the instant case and observed the things as follows:-

i. on the common orders dated:28.06.2007 **in LAAS No(s).1377/2002 & (19) batch passed by the Hon'ble High Court, the Learned Advocate General (legal Counsel for Appellant) vide his letter No.455/2007, dated:23.10.2007 has advised the SDC, SRBC to prefer appeal before the Hon'ble Supreme Court of India, as these are fit cases.**

ii. **Accordingly, the SDC, SRBC has filed SLPs** in the Hon'ble Apex Court which have been numbered as Civil Appeal No(s).110-129/2010 (total 20 cases).

iii. Subsequently, the claimants in LAAS No.754/2003 (LAOP No.16/1995) and LAAS No. 1479/2002 (LAOP No.447/1997) those names are shown as Respondents in CA No(s).129/2010 and 113/2010 (filed by the SDC, SRBC) were also filed appeals against the common orders dated:08.06.2007 seeking modification which were also allowed in CA No(s). 130 and 131/2010 for impleadment.

iv. In this regard, the Hon'ble Apex court had disposed all the CAs (i.e., 110-129/2010 filed by SDC, SRBC and 130 & 131/2010 filed by claimants/awardees on 11.03.2015. The extract of the judgment is that:-

"Civil Appeal Nos.110-129 of 2010

1. These appeals are directed against the judgment and order passed by the High Court of Andhra Pradesh in Appeal Suit No. 1377,1374,1378,1399,1416,1419,1425,1429,1430,1434,1435, 1436,1445, 1450, 1479, 1481, 1550, 1610 and 1612 of 2002 and 754 of 2003, dated 28.06.2007.

2. We have heard Shri Guntur Prabhakar, learned counsel for the appellant and carefully perused the documents on records. In our considered opinion, we do not see any good ground to interfere with the judgment and order passed by the High Court. Accordingly, the civil appeals are **dismissed.**

Civil Appeal Nos.130 and 131 of 2010

1. The Civil Appeal Nos.130 and 131 of 2010 are directed against the judgment and order passed by the High Court of Andhra Pradesh in Appeal Suit No. 754 of 2003, dated 28.06.2007 and in Appeal Suit No. 1479 of 2002, dated 28.06.2007 respectively.

2. We have heard Shri R. Venkataramani, learned senior counsel for the appellant(s) and Shri Guntur Prabhakar, learned counsel for the respondent and carefully perused the documents on records.

3. Application for impleadment is allowed.

4. The civil appeals are **disposed of with liberty to the appellant(s) to file appropriate review petition(s)** by bringing into the notice of the High Court, the decision of this Court in *"Ashrafi & Ors. vs. State of Haryana"* , 2013 (5) SCC 527. If such petition(s) is/are filed within one month's time from today, we request the High Court to consider the same in accordance with law.

5. We clarify that we have not expressed any opinion on the applicability or non-applicability of the aforesaid judgment.

Ordered accordingly."

4. On perusal of the above judgment pronounced by the Hon'ble Apex Court, Government have observed that, there are two (2) parts. 1st part belongs to CA No(s).110-129/2010 filed by the SDC, SRBC against the enhancement made by the Hon'ble High Court in LAAS No(s)1377/2007 and (19) batch, dated:28.06.2007. And 2nd part belongs to CA No(s).130 & 131/2010 filed by the claimants/awardees) **against the orders of Hon'ble High Court in reducing the compensation for the lands under category-I (i.e., from Rs.483000/- to Rs.420000/-). In the 1st part, the CAs filed by the SDC, SRBC are dismissed saying that***, "we do not see any good ground to interfere with the judgment and order passed by the High Court".* In the 2nd part, the Hon'ble Apex court " *allowed the applications in CA Nos. 130 & 131/2010 filed by the claimants/awardees for impleadment and disposed of with liberty to the appellant(s) to file appropriate Review Petition(s) by bringing into the notice of the High Court, the decision of this Court in "Ashrafi & Ors. vs. State of Haryana", 2013 (5) SCC 527. If such petition(s) is/are filed within one month's time from today, we request the High Court to consider the same in accordance with law. We clarify that, we have not expressed any opinion on the applicability or non-applicability of the aforesaid judgment".* In the said judgment, the Hon'ble Apex Court had dismissed the CA No(s), 110-129/2010 filed by the **SDC, SRBC. Hence, there was no direction to the SDC, SRBC to file Review Petition in the Hon'ble High Court, as opined by the CCLA in his proposal in the ref. 1st read above. Perhaps, the question of** filing Review Petition before the Hon'ble High court against the common orders dated:28.06.2007 delivered in AS Nos.1377/2002 &(19) batch does not arise. But, the dereliction of duties on part of LA Unit staff in submitting decretal proposals in time, after dismissal of appeals in the Hon'ble Apex Court are highly objectionable, causing affects the State exchequer adversely. Hence, the persons responsible for such lapses should be identified for imposing punishment under CCA Rules.

5. Regarding payment of interest on the delay period of (10) years, the CCLA has noticed two spells of delay period. One is four (4) years in approaching the lower court by the claimants and second is six (6) years i.e., from 2015 (Apex court orders) to 2021 (proposal submitted by the LA Unit). With regard to 1st spell, the responsibility of the claimants is limited to file application to the LAO under section 18 of Act within the time stipulated in the Act. On receipt of such application, the LAO shall refer the same to the Reference Court and the Reference Court in turn to allow the same by allotting LAOP Number. The delay in allotment of LAOP No. is on part of Reference Court, not the claimants. Regarding delay of six (6) years i.e., from 2015 (Apex court orders) to 2021 (proposal submitted by the LA Unit) mentioned in 2nd spell, it is on the part of SDC, SRBC in submitting the decretal charges proposals, immediately after dismissal of appeals in Hon'ble Supreme Court. In this case, it was delayed for six (6) years. According to Act as well as orders passed by the Hon'ble courts in other LA matters, the claimants are entailed interest till realization.

6. After careful examination of the matter and taking into consideration of the facts of the case, Government have decided to allow the claim of decretal charges payable in LAOP Nos.441/1997 & batch (19 OPs) for the lands acquired vide Award

No.18/1992-93, dated:20.03.1993 of Banaganapalli Village & Mandal, Nandyal District for the work for approach and tail channel of Muchatala Vaagu Acqueduct.

7. Therefore, Government hereby accord sanction for an amount of Rs.2,21,53,941/- (Rupees Two Crore Twenty one Lakhs Fifty Three Thousand Nine and Hundred and Forty One only) towards decretal charge payable in LAOP Nos.441/1997 & batch (19 OPs) for the lands acquired in Banaganapalli Village & Mandal, Nandyal District vide Award No.18/1992-93, dated:20.03.1993 for the work "for approach and tail channel of Muchatala Vaagu Acqueduct", subject to conditions that,-

i verification whether the reference under section 18(1) of the L.A. Act is made to the Lower Court after following all the guidelines / directions on the subject;
ii. in case, it is detected that, section 18 reference was made contrary to the rules/guidelines issued by the Government / Chief Commissioner of Land Administration, Andhra Pradesh, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition;
iii. confirmation of concerned Chief Engineer as to the extent of land acquired; and
iv. the Special Collector (LA), Srisailam Project, Kurnool shall verify at his level thoroughly the calculations made by the Land Acquisition Officer with reference to the decree and instructions issued by the Government / Chief Commissioner of Land Administration, AP on the subject matter from time to time, to avoid excess and double payment before depositing the above sanctioned decretal amount in the respective Lower Court.

8. The expenditure sanctioned in para (7) above, shall be debited to the Head of Account "4700 Capital Outlay on Major Irrigation-01 Major Irrigation - Commercial - MH.121 Srisailam Right Branch Canal (Neelam Sanjeeva Reddy Sagar)-GH.11 State Development Schemes-(27) Canals and Distributaries-530 Major Works-532 Lands (Charged)".

9. Further, Government is advised the Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Buildings, Mangalagiri to initiate disciplinary action against the staff in the LA Unit concerned as per CCA Rules for causing inordinate delay in submission of proposal to Government after a lapse of more than (7) years from the date of Judgment of Apex Court i.e., on 11.03.2015, for sanction of decretal charges.

10. The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, APIIC Buildings, Mangalagiri / Special Collector(LA), Srisailam Project, Kurnool shall take further necessary action in the matter, accordingly.

11. This order issues with the concurrence of Finance Department vide their U.O.No. FIN01-FMU0MRAS(WR2)/80/2022-FMU-WR-II,(Computer No.1781456),Dated:16.08.2022.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration and Special Chief Secretary to Government, Andhra Pradesh, Mangalagiri.
The Special Collector (LA), Srisailam Project, Kurnool.
Copy to:
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Works Accounts, 'C' Block, Anjaneya Towers, Ibrahimpatnam, Vijayawada.

The Finance (FMU-WR-II) Department.
The P.S to Minister (WRD).
The P.S to Prl.Secy. to Government (WRD).
File No.ICD01/281/2022-LA (Com. No.1642801).
Sf/Sc.

//Forwarded :: By Order//

SECTION OFFICER